its employes. This position is without doubt sound. The error into which the majority of the court have fallen is in failing to recognize and treat the association as a partnership composed of the several newspaper corporations. If we grant the court's assumption, one that is probably incorrect in fact, that the association was merely a name with no actual persons or corporations as members, its conclusion that the defendant was the actual employer is no doubt accurate.

MASTER AND SERVANT—LIABILITY FOR NEGLIGENCE OF SERVANT'S ASSISTANT.—DILLON V. MUNDET ET AL., 145 N. Y. S., 975.—A servant being engaged in the business and on behalf of his master and acting within the scope of his employment, the master is liable for negligence of one assisting the servant therein, at the servant's request, resulting in injury to a third person.

Haluptzok v. Great Northern Ry. 55 Minn., 446, decided that where a servant procures another to assist him, the master is liable only if the servant had express or implied authority; likewise 26 *Cyc.*, 1521. Where defendant's servant, driving former's horse, gave the reins to another, defendant was held liable for a resultant injury. *Booth v. Mister,* 7 Carr. & P., 66; *Mangan v. Foley,* 33 Mo. App., 250, held there was no liability when defendant's teamster engaged a third person to drive temporarily. *Jewell v. Grand Trunk Railroad,* 55 N. H., 84; *Thorp v. Minor,* 109 N. C., 152; *Appel v. Eaton & Co.,* 97 Mo. App., 428; accord. In these cases absence of authority to employ assistants was decisive. *Simms v. Monier,* 29 Barb., 419, held the master is liable only if the servant directed the act. This was the fact in the principal case, which might better be put on the ground of the negligence of the servant himself, since, at the time of the collision, he was in the automobile, and the negligence of the driver was substantially his.

Many cases, however, lay down the rule as broadly as in *Dillon v. Mundet; Dimmitt v. Hannibal Railroad,* 40 Mo. App., 654; *Lakin v. Oregon-Pacific Railroad,* 15 Ore., 220; *Pittsburgh v. Detroit Transportation Company,* 122 Mich., 445. On the facts the decision doubtless harmonizes with the great majority of cases, for, though no authority was shown, the servant so directed the act that it was his in fact.

MUNICIPAL CORPORATIONS—TORTS—REIDER V. CITY OF MT. VERNON, 145 N. Y. S., 697.—Under an ordinance forbiding the use of fireworks in the streets or elsewhere in the city within the fire limits, except by permission of the mayor, it was *held,* that the mayor had no authority to permit the use of fireworks in the city other than in the streets or within the fire limits and when he did so, and the plaintiff was injured as a result, the defendant city is not liable.

It is now well settled that a municipality may render itself liable for a tortious act. *Buttrick v. City of Lowell,* 1 Allen, 172. But the city can act only through authorized officers and it cannot be held liable unless these